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STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Addendum

Contribution from the Centre for Social Development and Humanitarian Affairs

Work of the Centre for Social Development and Humanitarian Affairs in human rights

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INTRODUCTION

The Preparatory Committee for the World Conference on Human Rights endorsed the intention of the Centre for Human Rights to approach other United Nations bodies working in the field of human rights and to request them to contribute studies in their area of competence to the preparations for the World Conference on Human Rights. The Centre for Human Rights accordingly requested the Centre for Social Development and Humanitarian Affairs to prepare a contribution to the analytical studies on the issues set out in General Assembly resolution 46/116.

The Centre for Social Development and Humanitarian Affairs encompasses four programmes whose work is relevant to the preparations for the World Conference on Human Rights, and the following report contains an analysis of their experience.

The programme on the advancement of women began in the United Nations as part of the human rights programme and includes the technical and substantive servicing of one of the five human rights treaty bodies, the Committee on the Elimination of Discrimination against Women, as well as a functional commission of the Economic and Social Council which has had a close historical relationship with the human rights regime.

The programme on crime prevention and criminal justice began, in part, through the acquisition of the mandate of the Penal Commission of the League of Nations, and has had a long relationship with the programme on human rights in terms of the rights of those accused or convicted of crime.

The programme on global social issues and policies has included a concern with general enjoyment of economic and social rights, including analysis in terms of social institutions like the family.

The programme on integration of social groups has included a concern for the enjoyment of human rights by specific groups in the population, including the development of international policy norms for this purpose.

In the succeeding analysis the experience of the two programmes concerned with global social issues and policies and integration of social groups have been combined under the heading social development.

I. REVIEW AND ASSESSMENT OF PROGRESS MADE IN THE FIELD OF HUMAN RIGHTS AND IDENTIFICATION OF OBSTACLES

A. Advancement of women and the human rights regime

1. Review and assessment

One of the first decisions made in designing the United Nations human rights regime was to provide a separate track for work on women's rights working in parallel to the Commission on Human rights but responding to the specific needs of women. This two-track approach has continued over the next 47 years and it is important to understand the reasons behind that fundamental decision.

a. The decision to establish a separate machinery to deal with women's rights

At the first session of the Economic and Social Council in 1945, a decision was made to include under the the Commission for Human Rights, a Sub-commission on the Status of Women. As part of the organizational process, what was called the

nuclear Sub-Commission met in February 1946. It sent its report to the nuclear Commission on Human Rights which incorporated the most important recommendations of the Sub-Commission into its own report.

The report of the nuclear Commission on Human Rights and its sub-commissions was presented to the Second Session of the Economic and Social Council in May 1946. Mrs. B. Begtrup (Denmark), the chairperson of the nuclear Sub-Commission on the Status of Women was allowed to address the Council directly.[1]

She stated that

> "The members of the Sub-Commission were well aware why the Economic and Social Council, in establishing the Sub-Commission, had placed it under the wing of the Commission on Human Rights. Nevertheless, the Sub-Commission felt that it should work under the best possible conditions and not be dependent on the pace of another commission. It, therefore, wished to recommend to the Council that the Sub-Commission should be established as a full Commission."[2]

In the informal negotiations concerning draft resolutions, an agreement was achieved to make the Sub-Commission a full Commission on the Status of Women, resolution on which was adopted by the Council on 21 June 1946.[3]

While the reasons for the decision are not completely explicitly stated in the record, it is evident that there was a concern that the politicization of the Commission on Human Rights, from its very first session, and its primarily male composition (there was only one women -- Mrs. Roosevelt -- on the nuclear Commission), raised fears that women's rights would be lost in a turbulent mainstream. In making this judgement, the founders drew on the experience of the Inter-American Commission on Women of the Organization of American States, which had been in existence since the 1920's, and on early work of the League of Nations on women's rights.

Thus, since the beginning of the United Nations, women's rights have evolved in a separate, if parallel, fashion to the general human rights regime.

At its first session, held in New York from 10-24 February 1947, the Commission on the Status of Women decided to recommend that its terms of reference read as follows:[4]

> "The function of the Commission shall be to prepare recommendations and reports to the Economic and Social Council on promoting women's rights in political, economic, civil, social and educational fields with the object of implementing the principle that men and women shall have equal rights, and to work out proposals to give effect to such recommendations. The Commission shall also make recommendations to the Council on urgent problems requiring immediate attention in defence of women's rights."

Although there have been changes in details and in wording over the ensuing 45 years, the terms of reference have remained essentially constant since the beginning. The main changes have been in terms of an evolution in concern away from existence of rights *de jure* to their exercise *de facto*. In that sense, the constant and increasing concern of the Commission has been with the enjoyment by women of their human rights. This has mean that, over the years, the agenda of the Commission has increasingly emphasized development issues. These have involved a concept that this enjoyment cannot be separated from economic and political issues, as well as social, and that the focus must be on the daily reality in which women live.

It has also meant that the Commission has never been directly involved in the prevention of abuses of human rights or the identification of gross violations by individual States, as was the case with the Commission on Human Rights and its subsidiary bodies.

From the first session of the Commission on the Status of Women, there was a recognition that there would be overlap with the work of other bodies. This could be justified when, as was usually the case, the other bodies did not take gender issues into account. An early example was the participation of the Commission in the drafting of the Universal Declaration on Human Rights, which included a prohibition on discrimination based on sex. The participation of the Commission resulted in the elimination of sexist language from the draft declaration.

The method of work of the Commission, from the outset, was to encourage compliance by States to the Charter injunction of equality between women and men by assembling information about the actual status of women in comparison with the international norm. Indeed, the first session agreed on a comprehensive questionnaire to governments that would determine the rights women actually had.

b. The work of the Commission on the Status of Women, 1947-1992

Since its foundation, the Commission has held 37 sessions in a 45-year period. Its initial concerns were with political rights and with the rights of women within the family. Taken together these have been seen as constituting the main basis for equality in all areas of life. For analytical purposes, it is possible to divide the Commission's work into three periods. From 1947 to 1974, the concern was with establishing a firm base in international law of the norms of equality. From 1975-1985, the Commission concentrated its work on advocacy and policy analysis related to the United Nations Decade for Women and its themes of equality, development and peace. Since 1985, the Commission has concentrated on implementation of the Nairobi Forward-looking Strategies for the Advancement of Women by a programme of priority themes. There has been a corresponding change in focus and approach, although the central mission has been unchanged. This was reflected in part in the fact that during the first period, the secretariat of the Commission was located in the Division for Human Rights, but since 1973 has been located in the Centre for Social Development and Humanitarian Affairs.

During the first period, an early concern was to draft a Convention on Political Rights of Women. At the time the United Nations Charter was signed, only about half of the signatories granted women an unrestricted right to vote. The Commission was concerned to eliminate that significant legal impediment to women's advancement. While there was an initial hope that the matter could be resolved through the adoption of a covenant on human rights, there was a fear that the process of drafting this covenant was too slow to deal with the specific problems of women. The Convention on the Political Rights of Women was adopted in 1952. It was the first United Nations instrument in which States parties to it undertook legal obligations involving the principle of equal rights between women and men. The States parties undertook to grant women full political rights: the right to vote and to be eligible for election to all publicly elected bodies, and be entitled to hold public office and exercise all public functions on equal terms with men, without any discrimination. That Convention, like others in the area of women's rights, did not establish an implementation procedure. Subsequently resolutions recommended by the Commission on the Status of Women and adopted by the Economic and Social Council requested the Secretary-General to report on measures taken to accord women political rights.

It should be recalled that the Covenant on Civil and Political Rights, which also guaranteed these rights was only adopted in 1966 and only entered into force in 1976.

The drafting of the Convention on Political Rights of Women, therefore, was another case of the Commission acting in advance of the mainstream human rights organs to resolve a problem of particular concern to women.

A similar situation ensued with regard to the rights of married women. The initial surveys of women's rights carried out by the Commission identified a lack of equal rights between women and men in terms of family law. While these could have been expected to have been dealt with in the Covenant on Civil and Political Rights, the Commission was concerned that a number of critical questions of rights could not await the completion of the Covenant. Accordingly, it proceeded to define a number of specific international instruments to deal with these questions. The first of these was a convention on the nationality of married women, that was adopted by the General Assembly in 1957. Its purpose was to ensure the right of everyone to a nationality as recognized in the Universal Declaration on Human Rights. This was a right which had been affected by some national laws that had imposed the nationality of her husband on a woman. This convention also lacked formal implementation mechanism other than inclusion in reports to the Economic and Social Council and the Commission on the Status of Women.

The second instrument in this domain was the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted by the General Assembly in 1962. It intended to ensure by national legislation equal rights for both spouses in connection with marriage. Marriages should be entered into with the free and full consent of the spouses, expressed to competent authorities and with a set minimum age and registration. Like the previous two conventions, the review of implementation of this third convention was also to be undertaken by the Commission on the Status of Women.

The issues dealt with by the Commission grew in number and variety over the period of the 1960's. The Commission began to conclude that the advancement of women implied dealing with discrimination in all of its forms. Drawing on the model of the Declaration on the Elimination of Racial Discrimination, the Commission decided to make a clear definition of what discrimination against women meant in terms of international norms. It therefore began work on the drafting of a Declaration on the Elimination of Discrimination against Women. In 1967 the Declaration on the Elimination of Discrimination against Women was adopted formally by the General Assembly. The Declaration had no binding effect on Member states, but constituted a statement of international policy. Moreover, Member states were supposed to report on its implementation to the Commission. The Declaration began to define discrimination in a comprehensive sense and many of its provisions were later incorporated in the Convention on the Elimination of All Forms of Discrimination against Women.

The adoption of the International Convention on the Elimination of Racial Discrimination, which elaborated norms on that aspect of discrimination, also helped provide a model. The idea of drafting a comprehensive convention on the elimination of all forms of discrimination against women emerged for several reasons. The Commission on the Status of Women had a concern in that equality between men and women was not likely to be a major focus of the work of the main human rights bodies, as it was only a minor element in those instruments. The Commission was concerned that the existing instruments concerned with discrimination on the basis of sex did not cover all of the aspects that were important. There was a conviction that States were ratifying only some of the conventions and that the impact of the specialized conventions was accordingly lessened. Finally, the reporting procedures on the conventions and the Declaration on the Elimination of All Forms of Discrimination against Women, by way of the Commission, were becoming both unwieldy and ineffective.

The Commission on the Status of Women, at its 24th session in 1972, decided to begin the process of formulating an international convention. At its 25th session in 1974, a working group of the Commission submitted draft texts to the members of the Commission. The Commission decided, on 24 January 1974, by a vote of 22 to none, with 4 abstentions, "that a single comprehensive draft convention should be prepared..." The preparation of the Convention on the Elimination of All Forms of Discrimination against Women was completed by the Commission in 1976.[5] This was the culmination of the first stage of the Commission's work, concerned with defining women's rights clearly in the context of the international human rights regime. Subsequent work has been to fill gaps in coverage, as in the case of violence against women, that had emerged subsequent to the work on the Convention.

Like the Commission on Human Rights, the Commission on the Status of Women had from its first session a procedure to consider communications from individuals. The purpose of this procedure was information-gathering to identify emerging trends and issues. It meant that individuals could send communications to the Commission describing situations of discrimination against women. The Commission would review these communications in terms of the issues raised. The procedure was never mandated to provide redress for individual grievances, nor to identify practices of specific States that might be discriminatory. This is in contrast to the procedure followed in the Commission on Human Rights mandated by Economic and Social Council resolution 1503. The communications procedure of the Commission on the Status of Women has been reviewed on several occasions with a view to improving its effectiveness, most recently in 1992. Economic and Social Council resolution 1992/19 provided a renewed mandate for the procedure and requested an effort to make it more effective.

During the 1960's, as well, there was growing concern that enjoyment by women of their rights required the use of public policies that were themselves affected by problems of development.[6] With the increase in independent states, the issue of the advancement of women took on an increasing development focus. To speed up the process, the Commission recommended, in 1972, the designation of 1975 as International Women's Year and the convening of the first world conference on women. It should be noted that such a world conference had first been recommended in 1947 at the first session of the Commission on the Status of Women. The World Conference of International Women's Year, held in Mexico City, recommended the designation of the period 1976-1985 as United Nations Decade for Women.

The period of the Decade reinforced the understanding that the enjoyment by women of equal rights was inextricably linked to economic, social and political factors. The three themes of the decade: equality, development and peace underscored this interrelationship. The plans and programme of action decided, respectively, at Mexico and at the mid-decade conference at Copenhagen, which proclaimed education, employment and health as subthemes of the Decade, elaborated the themes in policy terms. The exercise by women of their rights, under the rubric of equality, was one of the central features of the work. This, however, was increasingly seen in terms of the elimination of de facto discrimination.

The Decade culminated with the third United Nations conference on women, which took place in Nairobi in 1985. Based on preparatory work from the Commission, the Conference adopted the Nairobi Forward-looking Strategies for the Advancement of Women to the year 2000. This document constitutes the intellectual basis for the Commission's work until 2000. Indeed, the Commission is expected to meet annually until that year and has defined a work programme based on priority themes (See Annex I for the list of priority themes).

Since 1987, the Commission has considered fifteen priority themes. Each has been defined in terms of a main policy issue. The role of the Commission has been to explore the issue with a view to making recommendations on public policies to deal with it. In addition, the Commission has conducted the first comprehensive review and appraisal of the Forward-looking Strategies, in which it set a number of priority targets. The Commission has also identified new issues in which there is a necessity to set global norms. The area of violence against women is one such area. Not included in the Convention on the Elimination of All Forms of Discrimination against Women because that instrument was drafted before the issue's current importance was recognized, violence against women has been addressed by the Commission over several sessions. Its work has culminated in the formulation, by an intersessional working group in 1992, of a draft Declaration on the Elimination of Violence against Women.

In 1989, the General Assembly decided to hold the second review and appraisal of the Forward-looking Strategies through the holding of a Fourth World Conference on Women in 1995. The Commission work is now largely focussed on the preparations for that Conference, for which the Commission is the designated preparatory body.

An examination of the work of the Commission over its 45 years of existence suggests that the initial decision to separate it from the Commission for Human Rights was wise. The Commission's work has been characterized by a steady effort to turn rights into reality through mobilizing women, providing information to Governments and to women's groups about the situation of women, a defining norms for public action and for private behaviour. Over much of the period, the Commission has been the only intergovernmental body in the United Nations that has had a significant proportion of women members. In implementing its mandate, the Commission has responded to both original objectives and to new challenges that have emerged.

c. The Committee on the Elimination of Discrimination against Women.

Since its entry into force in September 1981, the main instrument for women's human rights has been the Convention on the Elimination of All Forms of Discrimination against Women. The body established under the Convention to monitor its implementation, the Committee on the Elimination of Discrimination against Women, has become the main United Nations body dealing with women rights.

In terms of procedures, the Committee was modeled on other treaty bodies, especially the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. There were several differences. With twenty-three members, a number chosen in order to ensure that different geographical areas, forms of civilization and legal systems would be represented, the Committee is the largest of the treaty-based expert bodies in the human rights regime. It also has the shortest mandated meeting time, two weeks, a time limit contained in the Convention itself (article 20). This time limit is unique to that Convention; no other human rights treaty places such a firm limit on its monitoring body.

The Convention itself was characterized by a very rapid process of ratification. It entered into force less than two years after its adoption and quickly acquired a large number of States parties. Until the adoption of the Convention on the Rights of the Child, whose ratification process was expedited by the Children's Summit in 1990, the Convention on the Elimination of All Forms of Discrimination against Women had shown the fastest growth in States parties of all human rights conventions. As of 1 November 1992 there were 118 States parties.

Since its first session in 1981, the Committee has held eleven sessions, during which it has reviewed 63 initial reports of States parties,24 second periodic reports and three third periodic reports. The average number of reports reviewed per session is nine.

In conformity with article 21 of the Convention, the Commission has adopted a policy of making general recommendations to States parties on matters raised in the context of its examination of periodic reports. As of its eleventh session, it had adopted twenty general recommendations. One of the most recent, which has established a new approach to the understanding of the Convention's requirements, has been its general recommendation no. 19 on violence against women.

The work of the Committee has been reviewed regularly by the General Assembly, to which it reports annually. The Assembly has consistently welcomed the improvements made in the Committee's procedures and manner of work. It recently approved the extension of the Committee's sessions to three weeks until a substantial backlog in reports pending consideration is removed.

d. Secretariat

The substantive secretariat of the Commission on the Status of Women and the technical and substantive secretariat of the Committee on the Elimination of Discrimination against Women is the Division for the Advancement of Women of the Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna. This unit is the direct successor of the Status of Women Section of the Division of Human Rights which was established in 1947. The creation of a substantive unit within the United Nations Secretariat to deal with advancement of women was one of first requests by the nuclear Sub-Commission on the Status of Women and of the full Commission.

The secretariat unit grew from a staff of six established professional posts in 1950 to fifteen professional posts at the time of the Nairobi Conference, then declining to its current strength of twelve professional posts. It had a consistent pattern of leadership: over a forty-five year period, the Division and its predecessors was headed by a total of five persons. Two of the heads of the organizational unit together accounted for 27 years of leadership.

The Division for the Advancement of Women was designated by the General Assembly in its resolution 40/108 as a focal point for the United Nations system for advancement of women and the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women. In recent years, the Assembly has expressed concern that the resources available to service the Commission, the Committee and the world conferences on women may be inadequate to meet the requirements of those bodies (see General Assembly resolution 46/98, seventh preambular paragraph and operative para. 29 and General Assembly resolution 46/185C, section XV).

2. Obstacles

Obstacles to further progress in the advancement of women were identified during the first review and appraisal of the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women. Under the rubric of equality, for example, the following conclusions and recommendations were determined:[7]

> "The interdependence of the different political and social sectors on the one hand, and the legal and social situation on the other, needs to be recognized. However, de jure equality constitutes only the first step towards de facto

equality. Most countries have enacted legal measures to ensure that women have equal opportunities before the law, that is de jure equality. But de facto as well as de jure discrimination continues and visible political and economic commitment by Governments and non-governmental organizations will be required to eliminate it. One obstacle to eliminating de facto discrimination is that most women and men are not aware of women's legal rights or do not fully understand the legal and administrative systems through which they must be implemented. Some affirmative action measures require legal bases which still need to be created.

Recommendation I. Governments, in association with women's organizations and other non-governmental organizations, should take steps on a priority basis to inform women and men of women's rights under international conventions and national law and to prepare and/or continue campaigns for women's "legal literacy" using formal and non-formal education at all levels, the mass media and other means; efforts to this end should have been undertaken by 1994.

The work of the Committee on the Elimination of Discrimination against Women should be widely publicized through forms of communication that are accessible to women in order to make them aware of their rights. National reports to the Committee should be widely disseminated within the respective countries and discussed by governmental and non-governmental organizations. Organizations of the United Nations system, particularly the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, should be requested to examine national experience in promoting legal literacy with a view to assisting Governments, non-governmental organizations and women's movements in mounting successful campaigns.

Recommendation II. Governments should take steps to put legal equality into practice, including measures to provide a link between individual women and official machinery such as the establishment of offices of ombudsmen or similar systems. Where possible, access to legal redress by collective and individual legal action by national machinery and non-governmental organizations should be facilitated in order to assist women in ensuring the implementation of their rights.

The main obstacles consist of attitudes and practices that permit the continuation of discrimination against women, sometimes reinforced directly by state policies or sometimes condoned by failure to enact and implement public policies to achieve equality. Where countries have taken steps to equalize opportunities, women have advanced.

Lack of commitment to eliminate discrimination is reflected in the failure of States to ratify the Convention on the Elimination of All Forms of Discrimination against Women or to ratify it with substantive reservations. Of the Member States of the United Nations as of 1 November 1992, 60 were not yet parties to the Convention. Of those States parties to the Convention, a total of 40 had entered reservations to the Convention. About half of these States entered reservations only on the disputes procedure in article 29. As for the rest, while in some cases, reservations had been entered to permit States to become party prior to adjusting all national laws, in other cases the reservations had been considered by other States parties to be contrary to the goals and purpose of the Convention itself.

While work on enjoyment of human rights by women has proceeded over the past 45 years, less has been done to deal with cases where these rights have been violated. The machinery of the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women does not permit the

identification of gross violations of women's rights. It was expected that this identification would have been done within the context of other human rights instruments, where discrimination on the basis of sex is likewise prohibited and where machinery to identify violations had been created. However, it does not appear that discrimination based on sex has been a major part of the work of mainstream human rights bodies. Thus, there are cases where reports of States have been considered who, in theory, have good records in complying with international human rights instruments, but who have in practice not eliminated discrimination against women.

B. Crime prevention and criminal justice

1. Review and Assessment

a. The close interrelationship between crime issues and human rights issues

Since its foundation, the United Nations crime prevention and criminal justice programme, drawing on the principles of the Charter and the International Bill of Human Rights, has formulated numerous international principles, standards and guidelines in crime prevention and criminal justice. Most of these instruments provide a universally accepted explanation and interpretation of rights contained in the International Declaration of Human Rights and the International Covenant on Civil and Political Rights and its optional protocols, e.g., the right to life, liberty and security of person; the prohibition of torture and of arbitrary arrest and detention; the right to a fair and public hearing by an independent and impartial tribunal; the presumption of innocence until proven guilty; the prohibition of retro-activity of criminal sanctions; the right to equal treatment before the law, the courts and the tribunals; and minimum guarantees in criminal proceedings, as embodied in Article 14 of the Covenant.

The human rights perspective in the Crime Prevention and Criminal Justice Programme is two-fold: namely the protection of the rights of persons accused or convicted of crimes, and equally, the protection of the rights of individuals to safety and security of person and property, and of the rights of crime victims.

While all United Nations standards and norms in the field of crime prevention and criminal justice have human right aspects, many instruments developed under the United Nations human rights programme are closely related with the administration of justice, i.e., the Convention against Torture, the Convention on the Rights of the Child, the Principles of Medical Ethics relevant to the Role of Health Personnel, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. These and other instruments are of mutual concern and their implementation is best achieved by close co-operation between both programmes. Given the limited resources of both programmes, even closer co-ordination and complementary distribution of tasks would achieve maximum effect.

Standards developed by the United Nations crime prevention and criminal justice programme are frequently referred to by various Human Rights bodies, such as the Commission on Human Rights and its Sub-Commission, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, etc. They are also utilized in United Nations technical cooperation and peace-keeping programmes, as well as in criminal justice and law reform projects, especially in the democratization process in countries in transition from a one-party to a multi-party system.

b. United Nations crime congresses

In 1950, the United Nations assumed global responsibility in the field of crime prevention and the treatment of offenders by officially taking over the functions of the International Penal and Penitentiary Commission (IPPC), an intergovernmental organization established in 1875. These functions include the convening of quinquennial international congresses, as well as the formulation of policies and programmes of international action in this field.

The United Nations congresses on the prevention of crime and the treatment of offenders bring together representatives of the world's national Governments, specialists in crime prevention and criminal justice, scholars of international repute and members of concerned non-governmental organizations. They are enjoined to discuss common problems, share professional experiences and seek viable solutions to crime. Their recommendations are intended to have an impact on the legislative bodies of the United Nations -the General Assembly and the Economic and Social Council- and on national and local Governments.

The United Nations crime congresses have contributed to the process of standard-setting, beginning with the First Congress, in 1955, which adopted the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 C I (XXIV)). In accordance with the recommendations of the congresses, other important instruments have been adopted in more recent years, such as the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 3452 (XXX)) which was subsequently developed into a Convention by the human rights programme; the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169); the Safeguards guaranteeing the protection of the rights of those facing the death penalty (Economic and Social Council resolution 1984/50); and the Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 1984/47).

The work of the United Nations in this field has been expanded by the additional standards adopted by the Seventh Congress (Milan, 1985) and endorsed by the General Assembly in its resolution 40/32 of 29 November 1985, namely the Milan Plan of Action; the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice; the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; the Basic Principles on the Independence of the Judiciary; and the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners. The Seventh Congress also commenced the process of re-orienting the United Nations crime programme to give added emphasis to practically oriented law enforcement issues to meet the threats posed by transnational crime.

Further, in 1989, the Economic and Social Council, on the recommendation of the former Committee on Crime Prevention and Control, adopted the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (resolution 1989/65), the Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary (resolution 1989/60) and the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials (resolution 1989/61). On the same occasion the Council also adopted relevant resolutions on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (resolution 1989/57) and of the Standard Minimum Rules for the Administration of Juvenile Justice (resolution 1989/66). These instruments were endorsed by the General Assembly in its resolution 44/162 of 16 December 1989.

In 1990, a considerable number of new standards, guidelines and model treaties was adopted by the Eighth United Nations Congress and welcomed by the General Assembly in its resolutions 45/121 of 14 December 1990 and 45/166 of 18 December 1990. These new standards, guidelines and model treaties are: International co-operation for crime prevention and criminal justice in the context of development ; United Nations Guidelines for the Prevention of Juvenile Delinquency; United Nations Rules for the Protection of Juveniles Deprived of their Liberty; United Nations Standard Minimum Rules for Non-custodial Measures; Basic Principles for the Treatment of Prisoners; Guidelines for the prevention and control of organized crime; Measures against international terrorism; Model Treaty on Extradition; Model Treaty on Mutual Assistance in Criminal Matters; Model Treaty on the transfer of proceedings in Criminal Matters; Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released; Basic Principles on the Role of Lawyers; Guidelines on the Role of Prosecutors; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and Model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property.

c. The new United Nations Crime Commission

In addition to the crime congresses, two other bodies within the United Nations system bear the most direct responsibility for international efforts towards crime prevention and criminal justice. These are the new 40-member intergovernmental Commission on Crime Prevention and Criminal Justice [8] and the crime prevention and criminal justice programme of the Secretariat. The Economic and Social Council and the General Assembly (Third Committee) are assigned to supervise relevant policy.

At the first session of the new Commission on Crime Prevention and Criminal Justice, most participants commended the body of existing United Nations standards, norms and guidelines. They called for their effective implementation, which, for the present at least, should take precedence over further standard-setting. It was acknowledged that the system of monitoring by questionnaires had not been proven to be efficient enough and that a more reliable monitoring system should be developed. This could include, for example, the designation of special rapporteurs, working groups or other options, as well as assistance of the United Nations interregional, affiliated and associated institutes and exchange of information on implementation. [9]

On the recommendation of the Commission, the Economic and Social Council, in its resolution 1992/22 of 30 July 1992, inter-alia, reaffirmed the General Assembly's request to the Secretary-General to take the necessary measures to commit the human and financial resources necessary to strengthen the programme as a whole so as to enable it to:

- Devote greater attention to helping States upon request, ..., to identify their crime prevention and criminal justice needs and address them through technical cooperation, ..., including the improvement of legislation and procedures, the elaboration of criminal codes, the improved planning and formulation of national policies concerning crime prevention and criminal justice strategies, acceleration of human resources development in specialized fields, and assisting with the practical implementation of United Nations standards, norms and guidelines in crime prevention and criminal justice;

- Contribute to the preservation and reinforcement of democracy and justice based on the rule of law, ..., taking appropriate account of United Nations norms and standards concerning crime prevention, criminal justice, law

enforcement and protection of victims, as well as means of conflict resolution and mediation.

The Council further decided that the Commission should include in its agenda, beginning with its second session, a standing item on the existing United Nations standard and norms in the field of crime prevention and criminal justice, which serve as recommendations to Member States, including their use and application.

In addition to the application of United Nations standards and norms at the national level, there is a need for effective means of implementation of the model treaties designed to facilitate bilateral and multilateral co-operation. In its resolution 46/152 of 18 December 1991, the General Assembly stressed the important role of the United Nations in providing a framework for collaborative action by States in areas of common concern. The further development of means for implementation of the model treaties and the training of personnel for this purpose should foster joint action on transnational crime problems that cannot be dealt with adequately by individual States.

In accordance with the views expressed by many delegations at the first session of the Commission on Crime Prevention and Criminal Justice, the draft model treaty on the enforcement of penal sanctions constituted a valuable addition to the set of existing model treaties and should be developed. When finalized, the model treaty would provide a useful framework that could be of assistance to States interested in negotiating and concluding bilateral agreements to improve cooperation in matters of crime prevention and criminal justice.

d. The role of non-governmental organizations

Non-governmental organizations continue to play a vital role in United Nations crime prevention and criminal justice activities. Their wealth of expertise and experience at the grass-root level, as well as their commitment and ability to draw on their constituencies, are an invaluable resource, and at times the only one available. Non-governmental organizations have contributed significantly to the development of many of the norms and standards in the field of crime prevention and criminal justice. They have also furthered the implementation of United Nations standards and norms by holding seminar and meetings, conducting individual research and studies, and publishing reports about the actual degree of implementation. Non-governmental organizations can also play a crucial part in initiating and implementing development projects, supplementing the efforts of Governments and greatly broadening the base of international co-operation. The NGO Committee on Crime Prevention and Criminal Justice, based in New York and Vienna, and the International Scientific and Professional Advisory Council in Milan, Italy, are particularly active, as are their members and other organizations in all regions of the world.

2. Obstacles

While many countries have successfully implemented United Nations standards and guidelines in crime prevention and criminal justice, there are still shortfalls in many parts of the world, as reflected in variousUnited Nations surveys. The major obstacles mentioned include the lack of co-ordinated action, shortage of funds, low priority, inadequate human and professional resources and, all too often, the lack of political will or public apathy. Greater public awareness might elicit both increased support and additional resources.

Further, adequate verification procedures are not available to countercheck governments' claims about observance of the standards. The crime prevention and criminal justice programme also has no possibility of remedial action in cases of presumed violations or non-compliance.

In recent years, the quantitative and qualitative extension in the elaboration of standards has changed the situation considerably. While significant achievements have been obtained in the area of standard-setting, much more work would need to be carried out to implement the existing standards. Standard-setting needs to be followed-up by action aimed at applying those standards to the national level: training courses, seminars and advisory services could help to translate them into practice.

It has been emphasized repeatedly that more effective methods of implementation should be explored. While the actual application of these standards rests on efforts at the national level, their dissemination and promotion would also have to be carried out by the United Nations, in an effort to assist Governments in this task.

C. Social development and human rights

1. Review and assessment

The corpus of human rights instruments agreed upon by the international community under the aegis of the United Nations constitutes an essential framework for the organizations' work in social development. In turn, social development provides an essential complement to direct constitutional and legal measures to achieve human rights, not only directly in respect to the social condition and status of individuals and associations, but indirectly through the contribution which social policy makes to development, and to harmony between society and demographic and environmental conditions.

a. The human rights basis for social development

The point of origin lies in the Charter itself which "reaffirms faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women..." and declares the intention "to promote social progress and better standards of life in larger freedom" and "to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character,..."

It was on the basis of the Charter that the International Bill of Human Rights was formulated, consisting of the Universal Declaration of Human Rights, adopted and proclaimed in 1948, and the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant which were adopted in 1966. The International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, and the International Covenant on Civil and Political Rights on 23 March 1976.

On 11 December 1969 the General Assembly adopted and solemnly proclaimed the Declaration on Social Progress and Development which defined the principles of social development, its objectives, and the methods and means of achieving those objectives (Resolution 2542(XXIV)).

In September 1987 the Interregional Consultation on Developmental Social Welfare Policies and Programmes adopted the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future. These were adopted - in the words of the Introduction - "so as to encourage appropriate action at the national, regional and interregional levels, recalling the Universal Declaration of Human Rights (General Assembly resolution 217(A) (III) of 8 December 1948) and the Declaration on Social Progress and Development (General Assembly resolution 2542(XXIV) of 11 December 1969), as well as other relevant international instruments". The Interregional Consultation pointed out that the adoption of the Declaration on Social Progress and Development had been perceived by the first International Conference of Ministers Responsible for Social Welfare, in 1968. The Guiding Principles were endorsed by the

General Assembly in its resolution 42/125, and in its resolutions 44/60 and 46/90 the General Assembly reaffirmed their validity.

The Universal Bill of Rights and the Declaration on Social Progress and Development are perceived by the General Assembly to form a coherent whole: for example, in the preamble to its resolution 44/130 on the indivisibility and interdependence of economic, social, cultural, civil and political rights the General Assembly reaffirmed as a group the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on Social Progress and Development.

Thus there is an unbroken line of reference from the Charter through the Universal Declaration of Human Rights and the two International Covenants to the Declaration on Social Progress and Development and the Guiding Principles for Development Social Welfare Policies and Programmes in the Near Future.

b. Specific coverage of the International Bill of Human Rights in respect of Social Development

Substantive articles of the International Covenant on Economic, Social and Cultural Rights recognize the right to work (article 6); the right to the enjoyment of just and favourable conditions of work (article 7); the right to form and join trade unions (article 8); the right to social security, including social insurance (article 9); the right of the family, mothers, children and young persons to the widest possible protection and assistance (article 10); the right to an adequate standard of living (article 11); the right to the enjoyment of the highest attainable standard of physical and mental health (article 12); the right to education (article 13 and 14); and the right to take part in cultural rights (article 15).

Substantive articles of the International Covenant on Civil and Political Rights provide for protection of the right of life (article 6); and lay down that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment (article 7); that no one shall be held in slavery; that slavery and the slave trade shall be prohibited; and that no one shall be held in servitude or required to perform compulsory labour (article 8); that no one shall be subjected to arbitrary arrest or detention (article 9); that all persons deprived of their liberty shall be treated with humanity (article 10); and that no one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation (article 11).

These articles further provide for freedom of movement and freedom to choose a residence (article 12), and for limitations to be placed on the explusion of aliens lawfully in the territory of a State Party (article 13). They make provision in considerable detail for equality before the courts and tribunals, and for guarantees in criminal and civil procedure (article 14). They also provide for the prohibition of retroactive criminal legislation (article 15); lay down the right of everyone to recognition everywhere as a person before the law (article 16); and call for the prohibition of arbitrary or unlawful interference with an individual's privacy, family, home or correspondence (article 17).

The articles also provide for protection of the right to freedom of thought, conscience and religion (article 18) and to freedom of expression (article 19). They call for the prohibition by law of any propaganda for war and of any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence (article 20). they recognize the right of peaceful assembly (article 21) and the right to freedom of association (article 22). They also recognize the right of men and women of marriageable age to marry and to found a family, and the principle of equality of rights and responsibilities of spouses as to marriage, during marriage and at

its dissolution (article 23). They lay down measures to protect the rights of children (article 24), and recognize the right of every citizen to take part in the government of his country (article 25). They provide that all persons are equal before the law and are entitled to the equal protection of the law (article 26). Finally, they provide measures for the protection of members of such ethnic, religious or linguistic minorities as may exist in the territories of States Parties to the Covenant (article 27).

c. Development of human rights instruments specific to certain sections of the population and to certain categories of social condition

On the basis of the Universal Bill of Human Rights, the international community, under the aegis of the United Nations has adopted a series of instruments specific to certain section of the population: for example, women, children, and disabled persons. Other measures have been taken to improve the particular condition of the elderly, migrants, non-citizens and others. Specification of the rights of even more specific categories of person have been under consideration within the United Nations system, such as the draft European Declaration on the Rights of Patients, prepared by the European Regional Office of WHO.

A major focus of work over the past fifteen years has been consideration of the problems of and public policies for specific groups, such as youth, the aging and the disabled. This work has helped expand the meaning in practice of human rights for groups which for different reasons may have less ease in enjoying their rights.

The ageing is one group for which work on rights has been undertaken. The most important milestone for the United Nations programme on ageing in terms of human rights since the Universal Declaration on Human Rights has been the International Plan of Action on Ageing. The International Plan , the first international instrument in the field of ageing, was adopted by the World Assembly on Ageing in 1982 and endorsed later that year by the General Assembly in its resolution 37/51. It contains only limited mention of specific human rights concerns of the elderly, but reference is made in the Foreword to rights pertaining to the elderly.

The second most important document concerning human rights of the elderly is the United Nations Principles for Older Persons adopted by the General Assembly in 1991 by its resolution 46/91. . The Principles include such basic human rights as access to food, water, shelter, clothing which are also contained in other human rights instruments applying to population groups.

A number of principles are, however, very specific to the situation of the elderly, such as enjoyment of the "opportunity to work" and "to participate in determining when and at what pace withdrawal from the labor force takes place." While most specialists agree that these principles are desirable and sound from a policy perspective, implementation will entail significant changes in social policy, labor and social security legislation in many countries.

The same applies to the principles listed under the heading of "care" as well as "dignity". Some countries have enacted national charters for the rights of the elderly in institutions, but most have not. The problem, therefore, lies in the implementation of the Principles for Older Persons. Unlike a convention, the Principles are not binding and there is no mechanism for reporting, nor are there general guidelines for implementation. Unless steps are taken towards a more binding instrument or, at least, providing more concise guidelines to interested member states, the Principles risk gradually disappearing after their initial introduction and dissemination.

Another important issue from the human rights perspective is age discrimination. In a very limited fashion, some of the ILO Conventions deal with age discrimination, though primarily with regard to making training opportunities available

to older workers. Age discrimination in the workplace is still permitted under most national legislations, either through hiring practices or retirement regulations.

Age discrimination has also been mentioned by the Commission on the Status of Women in its resolution 36/4 on the integration of elderly women in the process of development, which requests the Committee for the Elimination of Discrimination against Women (CEDAW) to pay particular attention to discrimination based on age when evaluating national reports on the implementation of the Convention. The same resolution urges the preparatory committee for the World Conference on Human Rights in 1993 to include discrimination on grounds of age on the agenda for that conference.

The Committee on Economic, Social and Cultural rights, which monitors the implementation of the International Covenant, is another potential forum for addressing the rights of the elderly. At present, the guidelines for the work of the Member States fulfill their commitments to the elderly. Some countries, however, have in the past voluntarily submitted information, notably within the framework of Article 10 on the family.

Another example is related to persons with disabilities. The Universal Declaration on Human Rights in its article 25 referred to the right to security by everyone including in the event of disability. The Universal Declaration has been of vital importance in promoting and protecting the human rights of disabled persons and lays the foundation for many subsequent declarations and resolutions concerning the disabled, including the Declaration on Social Progress and Development (1969), the Declaration on the Rights of Mentally Retarded Persons (1971) and the Declaration on the Rights of Disabled Persons (1975). The articulation of what is meant by this has been considered in a number of forums. The issue has been dealt with by a special rapporteur of the Sub-Commission on Prevention and Protection of Minorities of the Commission on Human Rights. The rights of persons with disabilities, as well as the public policies that can help those persons enjoy their rights have been a major feature of the work of the Commission for Social Development, especially during the United Nations Decade for Disabled Persons (1982-1992).

The World Programme of Action concerning Disabled Persons, adopted by the General Assembly in 1982, reaffirms the principles contained in the Universal Declaration of Human Rights. It is the major policy document of the United Nations in the field of disability. Consequently, progress made in the field of disability has been assessed in two Reports of the Secretary-General on the implementation of the Programme (1987 and 1992).

The World Programme of Action provided a strong impetus for progress in the field of disability. However, progress has not been universal and in many of the developing areas the situation facing disabled persons has remained largely unchanged. Recent efforts within the United Nations system to facilitate the implementation of the rights of disabled persons have been (a) the work on the Standard Rules on the Equalization of Opportunities for Disabled Persons, and (b) the Final Report on Human Rights and Disability, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

One of the main concepts developed in the World Programme of Action is the "equalization of opportunities". This concept implies that the right to equality of opportunity for full participation in the basic units of society should apply to all people, including those with disabilities. However, there are still many obstacles preventing persons with disabilities from exercising their rights and freedoms and making it difficult for them to participate fully in the activities of their societies. In 1990 the Economic and Social Council authorized the Commission for Social Development to establish a working group of government experts to elaborate a new set of international standards, the standard rules on the equalization of opportunities for disabled persons.

The standard rules will not be a new human rights instrument. They will focus rather on effective measures to realize the equalization of opportunities for disabled persons. The working group completed its work in September 1992 and its draft will be considered by the Commission for Social Development at its session in February 1993.

In 1984 the Economic and Social Council requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a special rapporteur to undertake a thorough study of the causal connection between human rights violations and fundamental freedoms of disability, focusing on progress made to alleviate this problem. The Special Rapporteur recently presented his final report. The report contains important recommendations on the realization of the rights of disabled persons, including the creation of an international ombudsman.

The issue of rights has also been seen in the context of social organizational units. Another example related to the family as a social unit. The family, as a basic unit of society, presents two main aspects of human rights. First is the rights the family might have as a social unit. Second is the effects of relationships within the family on the enjoyment of human rights. As the natural environment for the growth and well-being of its members, the family can serve as a medium for the promoting the actual enjoyment of the human rights of its individual members; at the same time, negative behaviour or exploitation may take place within the family and may be tolerated because of the intimate nature of family relationships, thereby hindering the enjoyment of human rights by all its members on the basis of equality.

The Universal Declaration of Human Rights stated that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State" (article 16.3.) This was reflected in article 23 of the International Covenant on Civil and Political Rights. Moreover, the International Covenant on Economic, Social and and Cultural Rights (article 10) stated that "the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children". It is in the context of the implementation of these human rights conventions that the issue of family is monitored.

The Declaration on Social Progress and Development stated that "the family as a basic unit of society and the natural environment for the growth and well-being of its members, particularly children and youth, should be assisted and protected so that it may fully assume its responsibilities within the community". The importance of the family, and the need, to protection and assistance has also been addressed in other conventions, such as the Convention on the Rights of the Child, and in plans of action, such as the Population Plan of Action.

d. Organizational and Procedural arrangements concerned with implementation of human rights matters relevant to social development

After consideration of procedures to implement the International Covenant on Economic, Social and Cultural Rights by the Economic and Social Council in 1976 and 1977, the Committee on Economic, Social and Cultural Rights began work in 1987. It considers reports submitted by States Parties on implementation of specific articles of the Covenant, as well as global reports on implementation of the Covenant as a whole.

Implementation of the International Covenant on Civil and Political Rights is the responsibility of the Human Rights Committee, reporting to the General Assembly. Implementation of the Convention on the Rights of the Child is the responsibility of the Committee on the Rights of the Child.

There appears to be no mechanism, except for the common consideration by the Economic and Social Council, whereby the findings of the Committee on Economic,

Social and Cultural Rights or the Human Rights Committee transmit their findings directly to the Commission for Social Development.

e. The contribution of social development to the enjoyment of human rights

The fact that societal conditions must be established which are favourable to the enjoyment of human rights is acknowledged in the two International Covenants, both of which, in their preambles, state that "the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights as well as his economic, social and cultural rights".

Clearly, even where constitutional and legal measures are adopted which guarantee full enjoyment of human rights, and even if energetic measures are undertaken to promote and facilitate that enjoyment by all, this is not possible in respect to many rights if basic material conditions, and conditions of association in families and other groups is impossible.

In this sense the entire programme of social development may be seen as an attempt to establish societal conditions which are favourable to the enjoyment by all individuals of their human rights. If this is achieved, then ipso facto a major component of social development goals will have been achieved.

2. Obstacles

The principles enunciated for various social groups are non-binding standards. To be effective in human rights they need to be taken into account by treaty bodies reviewing national compliance with relevant instruments, including particularly the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

In addition, there are a number of unresolved issues. The issue of age discrimination is one which has been noted by the Commission on the Status of Women in its resolution 36/4/ on integration of elderly women in the process of development. The Commission requested the Committee on the Elimination of Discrimination against Women to pay particular attention to discrimination on the grounds of age when evaluating national reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It also invited the Preparatory Committee for the World Conference on Human Rights to include in the agenda of that Conference discrimination on grounds of age and sex.

Similarly, one of the remaining issue in the work on equalization of opportunities for persons with disability is related to how best to monitor compliance.

The issue is the same for all groups: to what extent can it be ensured that their human rights will be protected, given that they have less power in society.

While the right to protection and support for the family as a social unit has been enunciated in a number of declarations and conventions, there is no specific instrument on the family, nor has there been a clear statement of the role of the family in the promotion, or hindrance, of the enjoyment of human rights. The issue is how this can be addressed and monitored in the work of the relevant treaty bodies.

II. THE RELATION BETWEEN DEVELOPMENT AND THE ENJOYMENT BY EVERYONE OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS WELL AS CIVIL AND POLITICAL RIGHTS

Development can be described as the process by which distributive equality is achieved. Its historical base is the recognition of human rights. Its progress must be accompanied by a readjustment of unequal socio-economic or political relationships or it will exacerbate them. Equitable allocation of access and benefits is inherent in the true development. The human rights instruments provide for the universal enjoyment of economic, social and cultural rights, as well as civil and political rights by all. Lack of enjoyment of human rights means that those concerned can neither fully contribute to nor equitably benefit from development.

A. Women's rights

The underutilization of the talents and contribution of women is a factor that has been identified as an obstacle to the development process.

Women's full participation in development is conditioned by whether they have equal economic rights. The Convention on the Elimination of All Forms of Discrimination against Women is the only international human rights treaty to affirm specifically the productive rights of women and to target culture and tradition as influential forces, shaping gender roles and family relations. For example, the specific rights of rural women are outlined in the Convention on the Elimination of All Forms of Discrimination against Women Article 14, paragraph 2 of the Convention states that: "State parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: ... (g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes."

The lack of enjoyment of economic rights is a major factor in what has been termed "the feminization of poverty." This has multiple causes, but one is clearly that women benefit less from rights, whether they work in the formal or the informal sector. Female rates of unemployment are higher than those for males in all regions. Agrarian reform has impaired women's rights by not recognizing women as heads of household or farmers, thereby excluding them from eligibility for loans, credit and title deeds. As a result, landlessness among women is on the rise, even in countries where women form the majority of the agricultural labour force. Employment for women is concentrated in the unregulated informal sector. Recent United Nations statistics revealed: "On average, women around the world earn 30 to 40 per cent less than men for work of comparable value. [10] Moreover, evidence assembled by the Division for the Advancement of Women on women and the world economic crisis, suggested adjustment policies had had a stronger impact on women than on men, in terms of employment, the need to enter the labour force on unfavourable terms, as well as effects on women's health and access to education.

Social rights centre on access to education, health services and other social services. The evidence collected suggests that the ability of women to exercise their right to these services has been compromised by unequal access in general and a lack of progress in overcoming inequality deriving from the effects of economic adjustment on public budgets and priorities.

Work on women in development is increasingly emphasizing what is termed empowerment. This includes efforts by women to know and seek to exercise the rights they enjoy under international conventions. As the report of an expert group meeting

organized by the Division for the Advancement of Women in May 1992 concluded: "One of the solutions to these problems is a process of legal literacy informed by a gender perspective that produces women's self and social empowerment to take action for change at each of these levels. For legal literacy to achieve this objective, it must be conceived in a dynamic and political framework. The role of legal literacy is to help women understand that rights and their exercise are a resource for their personal and social development and empowerment." [11] These activities to improve enjoyment of human rights can be seen as instruments for development.

16. Central to the concept of empowerment for development is the enjoyment of political rights. These political rights centre on the right to vote and hold office, guaranteed by the Covenant on Civil and Political Rights and specified in articles 7 and 8 of the Convention on the Elimination of All Forms of Discrimination against Women which urges governments to ensure that women have the opportunity to hold public office, to participate in the foundation and implementation of governments policy and to represent their governments at the international levels. Research undertaken by the Division for the Advancement of Women shows that this opportunity has been rarely realized in practice. Yet, until women are full participants in decision-making about development, they will not be either full contributers to it or beneficiaries.

B. Crime prevention and criminal justice

The economic and social costs of criminality are immense. The burden of crime is felt by all societies, but its costs are particularly great in developing countries. Governments are forced to divert an increased share of their budgets to crime prevention and criminal justice, due to the rising rate of criminal activities. While the financial costs of crime and its control are substantial, the social costs are even higher. Thus, crime impairs the full realization of the right to development and the enjoyment of other rights.

The wide observance of economic, social and cultural rights as well as civil and political rights requires the strengthening of democratic institutions. The promotion of respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms. There is a need for international co-operation and practical assistance to strengthen the rule of law.

Efficiency, fairness and improvement of the management and administration of criminal justice and related systems should be ensured, strengthening national capacities especially in developing countries, for the regular collection, collation, analysis and utilization of data in the development and implementation of appropriate policies.

C. Social Development

The relationship between the enjoyment of rights and development can be seen in terms of population sub-groups for which the issue of equalization of opportunities has been particularly important: persons with disability and ageing persons.

The improvement of economic conditions in the developing countries, accompanied by, inter alia, new employment opportunities for persons with disabilities, has been only partly realized. Rather, economic and social deterioration, marked by low growth rates, high unemployment and reduced public expenditure have negatively effected programmes and services for persons with disabilities in both developed and developing countries. If the present negative trends continue, there is the risk that persons with disabilities may increasingly be relegated to the margins of society.

Although the ultimate responsibility to remove obstacles impeding or hindering the integration and full participation of persons with disabilities lies with Governments,

the prevailing economic conditions have led many Governments to believe themselves exempt from social functions. Therefore, efforts to ensure that persons with disabilities are able to enjoy their most fundamental rights should combine both political and economic development. As democratization spreads and persons with disabilities obtain the right and means to influence the decision-making process, organizations of and for persons with disabilities are often the first to take decisive steps in combating, inter alia, abuses and acts of discrimination.

Following the adoption of the World Programme of Action, there was a growing need for higher priority to be given to the development of the human resources of persons with disabilities. Effective implementation of the Programme, it was acknowledged, would make an important contribution to the development process of societies through mobilization of more human resources.

In 1989 the United Nations Office at Vienna convened the International Meeting on Human Resources in the Field of Disability at Tallinn, Estonia. The meeting adopted recommendations, in the form of the Tallinn Guidelines for Action on Human Resources Development in the Field of Disability, intended to strengthen the abilities of persons with disabilities by encouraging services that promote self-determination and enable persons with disabilities to participate in the development of society.

Human resources development, a process fundamental to the concept of equalization of opportunities, seeks to realize the full potential and capabilities of human beings. Paragraph 7 of the Tallinn Guidelines states that "through human resources development, disabled persons are able to effectively exercise their rights of full citizenship. As full citizens, they have the same rights and responsibilities as other members of society, including the right to life, as declared in international human rights instruments. They also have the same choices as other citizens in the social, cultural, economic and political life of their communities".

The United Nations Principles for Older Persons, already mentioned above, recognize the potential contribution of the elderly to development and calls for their participation in the formulation and implementation of policies that directly relate to their economic, social and cultural well being. Several seminars including the International Seminar/Expert Group Meeting on Policies and Strategies for the Participation of the Elderly in Development (2-8 February 1988) and the Expert Group Meeting on the Integration of Ageing and Elderly Women into Development (7-11 October 1991) call for the active participation of the elderly in development.

If the developmental potential of an elderly population is actualized, then, a fortiori, the elderly are participating in the developmental process. There is a compelling need for public policy to concentrate on the realization of such objectives. Orthodox concepts of retirement, pensions, institutionalization, passive community care - all of which tend to reinforce the social dependence of the elderly, need to be replaced by more dynamic policies that maximize participation, reduce dependency and guarantee basic human rights.

Families play an important role in the development process and serve as economic units, both in terms of production and consumption. They are also affected by development in significant ways. As mentioned earlier, the family has been recognized as the fundamental unit of society in a number of conventions and declarations on human rights and the family can serve as a medium for promoting the enjoyment of human rights by its individual members, or, negatively, hinder it by tolerating anti-social behaviour or exploitation. The ability of families to provide a natural environment conducive to growth and well-being of its members, particularly children and the dependent, and the enjoyment of human rights is predicated to a large degree by the resources available to the them. Opportunities available to the family as a unit is determined by the state of development. Moreover, families function in a given

societal milieu and constantly interact with it. Subsequently, familial values and inter-personal behaviour patterns within the family are greatly influenced by societal value systems as well as socio-economic and cultural developments.

Adequate attention should be given to these factors in development strategies and activities. It is important to promote a family impact consideration and to integrate policies and programmes that support the role of the family as a unit in promoting the enjoyment of human rights.

III. WAYS AND MEANS TO IMPROVE THE IMPLEMENTATION OF EXISTING HUMAN RIGHTS STANDARDS AND INSTRUMENTS

A. The Convention on the Elimination of All Forms of Discrimination against Women

Implementation of the Convention on the Elimination of All Forms of Discrimination against Women has to be seen in term of the responsibilities of States, the operations of the Committee on the Elimination of Discrimination against Women and the work of the Committee's secretariat.

1. State responsibilities

The Convention was adopted by the General Assembly and is, therefore, a norm that all Member States have accepted. The first essential step in implementation is ratification or accession. The Convention has had a good record of ratifications and accessions since it was adopted in 1979. As at 1 November 1992, 118 States are parties. However, this means that some sixty States are yet to become party and there are a number of regional differences. In the Latin America and the Caribbean group of States, only two States remain to become party and both have announced their intention to do so in the near future. In the group of Western European and Other States, only four States have yet to become party. In the group of Eastern European States, only a few of the newly independent States have yet to become parties. However, in Africa and, especially, in Asia and the Pacific, there are a large number of States who have yet to become party. The General Assembly has repeatedly called upon States that have not yet ratified or acceded to the Convention to do so.

The entry of reservations by States at the time of ratification or accession could be considered an obstacle to implementation. The Convention was adopted with an article (28) that permitted reservations to be entered at the time of ratification or accession. As has been the case with other international human rights instruments, this provision was included in order to expedite the process of ratification or accession, by allowing States to become party before all of the conditions of the Convention were in place. The Convention on the Elimination of All Forms of Discrimination against Women has the highest number of reservations of any of the human rights conventions. Twenty-six States parties have entered 84 substantive reservations with respect to their obligation to implement the Convention.

Some States have entered reservations that had to do with the procedure for settlement of disputes, on which many States tend to make reservations. Other reservations have been made on issues of substance. Article 28 specifies that a reservation incompatible with the object and purpose of the present Convention shall not be permitted. In some cases substantive reservations have to do with details of the Convention which conflict with national constitutions. An example is the reservation of several countries to article 7 of the Convention on the grounds that their constitutions does not permit compulsory military service for women, while requiring it of men.

In other cases, the reservation is broader, such as those which indicate that the Convention cannot be taken to conflict with a basic religious code underlying national law. A number of these broad reservations have received objections from other States parties.

Whether the existence of these reservations impedes implementation of the Convention in practice has yet to be shown. The Committee on the Elimination of Discrimination against Women in its General Recommendation No. 20 recommended that States parties should (a) raise the question of the validity and the legal effect of reservations to the Convention in the context of reservations to other human rights treaties; (b) reconsider such reservations with a view to strengthening the implementation of all human rights treaties; (c) consider introducing a procedure on reservations to the Convention comparable with that of other human rights treaties. While the matter has been raised in both the Fourth and Fifth Meetings of States Parties, no decision was taken.

More recently, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights adopted resolution 1992/3 requesting the views of the Committee on the Elimination of Discrimination against Women and the Commission on the Status of Women on the desirability of seeking an advisory opinion from the International Court of Justice on the validity and legal effect of the of reservations.

There is statistical evidence that, on standard indicators of women's status, States that have ratified the Convention with substantive reservations have conditions that are, on average, almost the same as States that are not party, and considerably different from States who have become party to the convention without reservation. However, this evidence is not conclusive, since most of the statistical indicators are about five years old.

The removal of all reservations would, *ipso facto*, improve implementation of the Convention. However, even when the reservation has been of the type that some States parties have challenged as being inconsistent with the basic purpose of the Convention, no State having made that type of reservation has yet, in its report, cited that reservation as a grounds for non-compliance with the Convention and there is some evidence that the existence of a possibility to reserve has made it possible for many States to become party who might not otherwise have done so.

At the national level, compliance with reporting responsibilities is a major factor in implementing the Convention. As of 1 November 1992, 71 States were overdue on one or more of the periodic reports required under the Convention.

Similarly, at the national level, implementation of the Convention applies to adjusting national laws to its provisions and taking policy measures to combat discrimination. The reports of States parties have indicated that on the whole this is one of the areas where implementation has been greatest, but room for progress still exists.

The success of the Convention is contingent on it being known to women and men and its provisions taken into account. This implies both a will to disseminate information about the Convention and institutions to do so. It was with this in mind that the Committee on the Elimination of Discrimination against Women in its General Recommendation No. 6 (seventh session, 1988) recommended that States parties establish or strengthen effective national machinery dealing with women's issues, institutions and procedures, at a high level of Government and with adequate resources, commitment and authority to advise on the impact on women of all government policies; monitor the situation of women comprehensively; identify all causes of discrimination; and help formulate new policies and effectively carry out strategies and

measures to eliminate discrimination. It also recommended that States parties take appropriate steps to ensure the dissemination of the Convention, the reports of the States parties and the reports of the Committee in the language of the States concerned.

2. Operations of the Committee on the Elimination of Discrimination against Women

Success in implementing the Convention is also contingent on smooth working to the Committee on the Elimination of Discrimination against Women, whose main task is to review the periodic reports of States parties and, on the basis of that review, to make general recommendations. A key element is to have a State's report considered as soon as possible after it has been submitted, so that the information is current and the conclusions of the review can be taken into account by the State.

The Committee, under article 20 of the Convention, is empowered normally to meet for a period of not more than two weeks annually. One session (in 1988) was extended by four additional days, and in 1993 on a temporary basis, the sessions of the Committee will be extended to three weeks until the backlog in the consideration of reports is eliminated. Elimination of the backlog, however, is mathematically unlikely to happen. If each of the 118 current States parties were to report on schedule, the Committee could expect to consider 30 reports per year.

In fact, as noted above, many States are currently overdue in their reporting obligations. Nevertheless, thirty-nine reports have been received but not yet considered as at 1 November 1992. Over a period of eleven sessions, the Committee has considered the reports of 62 States parties. The minimum number considered was five and the maximum was 13 . This is based on allowing one and one-half meetings to consider an initial report and one-half of a meeting to consider a second or third periodic report and still have time for the Committee to consider its general recommendations and to adopt its report. It is unlikely that reports could be considered in a shorter time and still maintain a constructive dialogue with States parties.

A major function of the Committee is to make general recommendations. These have the effect of expanding the understanding of the meaning of the Convention, including the ways in which situations not dealt with explicitly in the Convention can be seen within its provisions. The Committee has adopted twenty general recommendations since 1986. At its eleventh session in 1992, it adopted general recommendation No. 19 on violence against women that constituted an examination of the Convention in terms of how the issue was implicitly convered within its existing provisions. While the recommendations of the Committee are not binding on States parties they have had the effect of focussing attention on issues and interpretation of the Convention. The Committee has agreed to examine the articles of the Convention systematically with a view to exploring its meaning in terms of issues addressed and State practice.

The Committee has also begun, by way of a concluding statement on reports of individual States, a process which may lead to making recommendations to States parties on the pace of implementing the Convention. A further refinement of this procedure could be of use to States parties in the future.

3. Secretariat of Committee

The role of the Secretariat of the Committee is to ensure that the Committee works in the most efficient way. The role can be defined in a minimal sense of ensuring a smooth flow of pre-session documents, adequate servicing of the meetings themselves and providing a flow of information about the work of other human rights treaty bodies. It can also be defined in a more active sense of undertaking the kinds of

analysis that will enable the Committee better to focus on the issues involved, both in terms of its review of reports of States parties and in making general recommendations.

In practice, since the tenth session of the Committee, the Division for the Advancement of Women, as secretariat of the Committee, has taken the wider view of its servicing responsibilities. It provides supplemental information on each of the reports of States parties drawn from United Nations sources, has provided analytical papers on articles of the Convention and on issues about which general recommendations are being considered and regularly provides information on the current work of the Commission on the Status of Women so that the Committee can take it into account in its deliberations.

The analytical work on reports of States parties could be further strengthened, if a mandate were given to acquire information from a wider variety of sources, including non-governmental organizations. This, of course, would require a greater investment of time in each of the analyses.

It should be noted that the General Assembly has on a number of occasions, including most recently in the resolution adopted at its 46th session, expressed its concern that the resources being allocated to the servicing of the Committee may not be adequate.

B. Crime prevention and criminal justice

1. Implementation of standards

The ways in which the United Nations could assist interested Governments in implementing the standards and guidelines in crime prevention and criminal justice include: devising procedures for their application in the context of economic and social development strategies and the changes occurring in various parts of the world; strengthening technical co-operation and advisory services; incorporating United Nations instruments in national legislation and making them available, in the appropriate language and form, to all those concerned; using educational and promotional processes in schools, colleges and academies of criminal justice, as well as law faculties and professional groups; exploring the role of the mass media and their active support; increasing community involvement and creating a propitious atmosphere, as well as developing ways of overcoming resistance; establishing or strengthening national committees or appointing ombudspersons for the promotion of United Nations norms and guidelines; and improving evaluative research.

All this implies extra-budgetary resources, both from Governments, for example, in the form of increased contributions to the United Nations Crime Prevention and Criminal Justice Trust Fund, and from international funding agencies, such as the United Nations Development Programme (UNDP), especially when developing countries carry out relevant projects in their country programmes.

In particular, technical co-operation and advisory services have always been considered as key means to consolidate the implementation of United Nations standards and norms. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, inter alia, reaffirmed the General Assembly's request to the Secretary-General to take the required measures to commit the necessary human and financial resources in order to strengthen the programme as a whole with emphasis on designing, implementing and monitoring technical co-operation projects at the national, regional and subregional levels in the context of implementation of United Nations standards and norms.

Accordingly, technical cooperation designed to assist Governments in implementing the standards should be considered as an integral part of a country's

foreign aid programme. Such cooperation needs to be evaluated and improved regularly to ensure its effectiveness and should be coordinated with the programmes of United Nations Agencies in related areas. In view of the proven usefulness of advisory services, the appointment of additional interregional and regional advisers to direct i.a. the promotion and implementation of standards on either a permanent or ad hoc basis should be considered.

2. Cooperation and coordination of activities

In order to work as effectively as possible and avoid duplication, the Centre for Social Development and Humanitarian Affairs maintains close contact with the Centre for Human Rights in all activities related to human rights in the administration of justice. Liaisons have been created within both Centres to monitor the human rights aspects of the administration of justice in the various elements of United Nations programmes, as well as the work of specialized agencies, regional organizations and non-governmental organizations in consultative status with the Economic and Social Council, and to provide, as appropriate, advice on co-ordination and other relevant issues. Emphasis is being placed on victims of crime and abuse of power; the independence of the judiciary; the role of lawyers; the role of prosecutors; law enforcement, including the use of force and firearms by the police; the treatment and human rights of prisoners and detainees; arbitrary or summary executions; and safeguarding the rights of those sentenced to capital punishment.

Apart from the co-operation that already exists with the Centre in the selection of experts, administration of fellowships and organization of seminars and training courses, other areas deserve consideration in future joint action. Such action might be undertaken through the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, in accordance with Commission on Human Rights resolution 1990/59. It might include developing criminal justice training materials, strengthening legal aid services, establishing training workshops for the judiciary, organizing national and regional seminars on the application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and supporting the United Nations institutes in the field of human rights in the administration of justice. This would further help interested countries to carry out needed reforms and to develop a strong national infrastructure for implementing the available standards.

In regard to the collaboration and coordination of work, the Commission on Human Rights, in its resolution 1992/31 of 28 February 1992, invited the Commission on Crime Prevention and Criminal Justice, at its first session, to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of standards and norms.

In response to this request, the Economic and Social Council, in its resolution 1992/22, inter alia, requested the Commission on Crime Prevention and Criminal Justice to cooperate closely with the Commission on Human Rights. The Council also requested the Secretary-General, at the operational level, to strengthen co-operation between the Centre for Human Rights and the Centre for social Development and Humanitarian Affairs. This co-operation should include preparations for the World Conference on Human Rights and co-ordination on the various technical advisory services provided by both Centres in order to undertake joint programmes and to strengthen mechanisms for the protection of human rights in the administration of justice.

On the occasion of the forty-fourth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in August 1992, its inter-sessional Working Group on the methods of work proposed, inter alia, that the Chairpersons of

the sub-Commission, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, and the Commission on Crime Prevention and Criminal Justice, consider issues of common interest and proposals made with a view to improving co-ordination.

In addition, the Working Group proposed that the Chairperson of the inter-sessional Working Group transmit to the Sub-Commission, with a view to forwarding it to the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, a memorandum prepared in conjunction with the Secretariats of the two Commissions and in consultation with their respective Chairpersons. These documents were suggested not only to prepare an overview of subjects of common interest and a comparative analysis of the agendas, but also, as appropriate, to submit proposals for a better distribution of tasks.[12] 3/

IV. EFFECTIVENESS OF THE METHODS AND MECHANISMS USED BY THE UNITED NATIONS IN THE FIELD OF HUMAN RIGHTS

A. Women's Rights

In successive resolutions, the General Assembly has positively evaluated the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Similarly, as noted above, the first review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women found that the establishment of *de jure* rights for women was one of the areas where greatest progress had been made. This implies that, in its broadest sense, the methods and mechanisms used have been effective, although as noted in Section IIIA above, improvements could be made. However, three areas can be identified as being particularly important for the future: training, information dissemination and involving non-governmental organizations.

Various resolutions of the General Assembly as well as general recommendation No. 11 of the Committee on the Elimination of Discrimination against Women have called for the organization of training and advisory services to assist States parties in implementing the Convention and, especially, meeting their reporting obligations. Since 1988, six courses have been organized by the Division for the Advancement of Women as part of the regular programme of technical cooperation of the United Nations. These include interregional seminars organized in Greece (1988) and the Ukraine (1990) and regional and subregional seminars for Spanish- and French-speaking countries of Latin America and the Caribbean (Guatemala, 1989), the region of the South Pacific Forum (Cook Islands, 1991) and the English-speaking countries of Latin America and the Caribbean (Antigua, 1992). The South Pacific seminar was organized jointly with the Governments of Australia and New Zealand and the Caribbean seminar jointly with the Commonwealth Secretariat. In addition, the Division participated in a regional seminar for Asia organized by the Japan International Cooperation Agency. Participants from a total of 87 countries participated in these seminars. The Division for the Advancement of Women is planning to organize a seminar for countries of francophone Africa during 1993. In addition, over the period 1988-1992, a total of six advisory missions to individual countries related to the Convention were organized by the Division.

Among non-United Nations organizations, the Commonwealth Secretariat organized its own training seminar for countries of anglophone Africa in the Gambia in December 1992.

To date, these seminars have been conducted separately from training activities concerned with general reporting on human rights instruments. It would be possible to consider combining training activities in the future.

Dissemination of information about the Convention has been a concern of the United Nations for some time. The Department of Public Information has made available the text of the Convention in the official languages of the Organization for many years and from time to time has issued press kits on the Convention and its implementation. Recently, an agreement has been reached with the Centre for Human Rights to issue human rights fact sheets on women's rights and on the Convention as part of the regular series. The third 1992 issue of *Women 2000*, an information publication issued quarterly by the Division for the Advancement of Women, is devoted to equal rights for women.

A number of international non-governmental organizations have played an important part in supporting the work of the Committee on the Elimination of Discrimination against Women. This has included providing information of members on the Committee, taking steps to publicize the Convention and organizing meetings. The International Women's Rights Action Watch (IWRAW), in particular, has been recognized for its work. IWRAW, a network of concerned organizations and individuals, publishes a periodic newsletter and organizes workshops immediately prior to sessions of the Committee. An increasing number of other non-governmental organizations are becoming interested in the implementation of the Convention as well as the inclusion of women's rights in the implementation of all relevant human rights instruments.

B. Crime prevention and criminal justice

Through the adoption of numerous additional standards and norms by the Seventh and Eighth congresses and their endorsement by the General Assembly, in 1985 and 1990, the problem of their implementation has become increasingly acute.

In view of this, the Economic and Social Council, in its resolution 1990/21 of 24 May 1990, inter alia, emphasized the need: (a) to continue reviewing the standards and following up their implementation; (b) to make recommendations on their future application; and (c) to identify existing obstacles to, or shortcoming in, their implementation, inter alia, through contacts with the Governments of the countries concerned, with a view to suggesting appropriate remedies.

The Council also called for further action required for effective implementation of the existing standards, taking into account, in particular, the following issues:

- Measures to increase the level of support for programmes of technical co-operation and advisory services in crime prevention and criminal justice to permit more effective implementation;

- The role of the crime prevention and criminal justice programme in promoting implementation of existing standards, including modalities for strengthening existing review procedures;

- The relationship between the effectiveness of implementation and the work-load of the programme;

- The growing burden imposed on may States by the expansion of reporting obligation without an increase in technical assistance;

- The problem of inadequate reporting or excessive delays;

- The question of additional or alternative sources of information;

- The capacity of the crime prevention and criminal justice programme to provide policy-making bodies with the administrative and technical support required, in view of inadequate staffing and other financial constraints.

At the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, convened in Versailles, France, in November 1991, the importance of the United Nations standards in the field of crime prevention and criminal justice was widely acknowledged. The common understanding was that these served not only as valuable guidelines for States, but also as a basis for the work of the United Nations bodies established to combat grave human rights violations. Attention was further drawn to the complementarity of the contributions of the United Nations human rights and crime prevention programmes. The advisory services and technical assistance programmes in both sectors could, with sufficient resources, play a vital role in helping States to combat crime and promote respect for human rights and fundamental freedoms.

The General Assembly, in its resolution 46/152 of 18 December 1991, took note with appreciation of the report of the Ministerial Meeting and approved the Statement of Principles and Programme of Action, annexed to that resolution. It recommended the establishment of an effective United Nations crime prevention and criminal justice programme and defined the general goals of the programme. These include promotion of the highest standards of fairness, humanity, justice and professional conduct and a more efficient and effective administration of justice, with due respect for the human rights of all those affected by crime and all those involved in the criminal justice system.

In its Statement of Principles, the General Assembly also envisaged that the Crime Prevention and Criminal Justice Programme may embark, while respecting the sovereignty of States, on reviewing the effectiveness and application of the standards as well as on the further development and promotion of international instruments. In developing the programme, areas of priority should be determined in response to the needs and concerns of Members States, with particular consideration being paid to the protection of human rights in the administration of justice and the prevention and control of crime.

C. Social development

It is the responsibility of governments to take appropriate action to remove obstacles preventing persons with disabilities form exercising their rights and freedoms and making it difficult for them to participate fully in the activities of their societies. The Standard Rules for the Equalization of Opportunities for Disabled Persons, although not legally binding, will serve as a framework for measuring how far States have advanced toward achieving this goal, and therefore carry considerable moral and political weight.

Important principles for responsibility, action and cooperation are indicated in the draft text of the standard rules. However, to ensure successful implementation, the development of an effective, dynamic and ongoing monitoring mechanism is essential. Three options for such a system, based on previous United Nations experiences, have been prepared for consideration at the final session of the Ad Hoc Open-Ended Working Group to Elaborate Standard Rules on the Equalization of Opportunities for Disabled Persons (Vienna, 28 September-2 October 1992). The objective of the system will be to measure progress, identify obstacles and recommend solutions, thus making the standard rules an increasingly effective instrument for the equalization of opportunities for disabled persons.

The standard rules will be still more effective if technical assistance is provided to developing countries. Such assistance should include the organization of national and regional training seminars on the content of the rules and reporting procedures, advisory missions, and small-scale grants from the United Nations Fund on Disability to further the implementation of the rules. In addition, the text of the standard rules should be disseminated widely in the official languages of the United Nations, in braille, on audiocassette, and in as many local languages as possible.

On a quadrennial basis, the United Nations carries out a review and appraisal of the implementation of the International Plan of Action on Ageing. It provides an opportunity to assess the progress and obstacles in implementing the Plan and, on this basis, to develop practical strategies for its improved use. The results of the survey also provide direct benefits to Governments in programming for policies in the field of ageing.

V. RECOMMENDATIONS FOR IMPROVING THE EFFECTIVENESS OF UNITED NATIONS ACTIVITIES AND MECHANISMS

The following recommendations can be suggested:

- Ensure that matters of gender are taken into account when reviewing reports of States parties to all human rights treaties;

- Ensure that the Committee on the Elimination of Discrimination against Women has a meeting time adequate to examine in a timely manner the periodic reports submitted under their respective instruments;

- Ensure that the work of the Committee on the Elimination of Discrimination against Women is taken into account in the work of other human rights treaty bodies and is given greater visibility within the overall human rights régime;

- Increase the amount of advisory services and training in implementation of the Convention on the Elimination of All Forms of Discrimination against Women and incorporation of gender concerns in the implementation of other human rights treaties, with an emphasis on joint action by the Division for the Advancement of Women and the Centre for Human Rights.

- Ensure that the full and effective implementation of United Nations standards in crime prevention and criminal justice is part of the work of relevant human rights treaty bodies, including especially the Human Rights Committee, the Committee on Torture and the Committee on the Rights of the Child, as well as in national human rights activities;

- Ensure close cooperation between the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice in implementing United Nations standards in crime prevention and criminal justice;

- Ensure that the Human Rights Committee and the Committee on Economic, Social and Cultural Rights take into account normative standards relating to persons with disability and with aging persons in reviewing the implementation of the Covenants;

- Urge continued close cooperation between the Commission on Human Rights and its subsidiary bodies and the Commission on Social Development in the development of norms and standards;

• Ensure that treaty bodies monitoring instruments related to the family take into account its role as a basic unit of society and the responsibilities of Governments in the protection of the family in fulfilling its role;

• Emphasize the importance of technical cooperation in the implementation of programme to promote the enjoyment of political, economic and social rights and urge adequate levels of funding for these activities.

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[1]*Ibid.*, p. 29

[2]*Ibid.*, p. 30.

[3]Resolution adopted 21 June 1946; see *Official Records of the Economic and Social Council*, First Year, Second Session, p. 405.

[4]Economic and Social Council, Commission on the Status of Women, Report to the Economic and Social Council on the First Session of the Commission, held at Lake Success, New York, from 10-24 February 1947 (E/281/Rev.1), para.9.

[5]Most of the 26th session in 1976 was devoted to discussing and polishing the draft. It had comments made by over 40 Governments, four specialized agencies and 10 non-governmental organizations. Many of the comments, from all of the regions, proposed alternative texts for various articles. Considerable changes were made during the discussion. However, none of the comments questioned the basic approach of the draft convention and, for representatives from all of the regions, the intent was to make the text clear and applicable to their situations.

[6]An analysis of the subjects discussed in the Commission on the Status of Women from 1947-1985 is found in *Women 2000*, No. 1, 1987.

[7]E/RES/1990/15, Annex, para 3

[8]Pursuant to paragraph 11 of General Assembly resolution 46/152, the Economic and Social Council, at its organizational session of 1992, dissolved the former Committee on Crime Prevention and Control and established the Commission on Crime Prevention and Criminal Justice as a new functional Commission of the Council, in accordance with the recommendations contained in the statement of principles and programme of action annexed to the resolution. The Council, upon recommendation of the Commission, which held its first session from 21 to 30 April 1992, adopted at its substantive session of 1992 resolutions 1922/22 on the implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice 1992/23 on organized crime, and 1992/24 on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

[9]See, for example, the report of the Pre-sessional Working Group on Implementation of the former United Nations Committee on Crime Prevention and Control (E/AC.57/1990/WG2) and report of the International Expert Meeting on Implementation (E/CN.15/1992/4/Add.4).

[10]The World's Women: Trends and Statistics 1970-1990, p. 3.

[11]Ibid.

[12]See E/CN.4/Sub.2/1992/3, pages 16 and 17.